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FM AMEMBASSY BRUSSELS
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INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEKJCS/SECDEF WASHDC
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S E C R E T SECTION 01 OF 02 BRUSSELS 001279

SIPDIS

STATE FOR EUR/WE, EUR/RPM AND S/GC

E.O. 12958: DECL: 09/18/2019

TAGS: [PTER](#) [PREL](#) [PREF](#) [BE](#)

SUBJECT: BELGIUM: NO MORE GUANTANAMO DETAINEES FOR NOW, BUT
DOOR REMAINS SLIGHTLY OPEN

REF: A. BRUSSELS 1213

[1](#)B. BRUSSELS 1261

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Classified By: Charge d'Affaires Wayne Bush for reasons 1.4 (B) and (D)

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[1](#)1. (S) Summary: At his September 17 meeting with Franciskus Van Daele, Chief of Staff of the Belgian Foreign Minister, the U.S. Special Envoy for Guantanamo Closure (S/GC), Daniel Fried, thanked Van Daele for agreeing to take one Guantanamo detainee, Al Janko, for resettlement. He said that other countries have taken a few detainees, but that Belgium could show leadership by taking on more. Van Daele said that Belgium wants to focus on the successful resettlement of Al Janko before moving forward on others. The future depends on "dynamics," he said. Belgium wants the transfer of that detainee to take place with as little fanfare as possible. Fried said he would undertake to see that the transfer is done quietly, but informed Van Daele that the basic facts of the transfer would be shared with the U.S. Congress in a confidential manner. He also asked for details of the GOB's plan for integrating the detainee. The Belgians also asked if a Belgian official could accompany the detainee on the flight from Guantanamo. Fried agreed to pass the request on to the Department of Defense, but noted that this was contrary to procedures for these transfers. Fried asked whether Belgium would object to transit of detainees destined for release in Ireland, who would be on the flight with Al Janko, if they were able to accommodate a flight in the September 25 timeframe. The Belgians said that they would ask the Ministry of Interior for its opinion on the question. Fried mentioned the cases of two detainees who have been convicted of crimes in absentia in Belgium. The Belgians insisted that the cases be considered separately from other Guantanamo detainees. They said that the MFA would check with the Ministry of Justice to determine what could be done under existing extradition frameworks and consistent with Belgian law. End Summary.

[1](#)2. (S) Also present at the meeting was Marc Van Den Reeck, the MFA official charged with the technical details on this issue. S/E Fried was joined by Ambassador Gutman, S/GC Adviser Mike Williams, and Poloff Robert Kiene. Fried thanked Van Daele for Belgium's recent agreement to take one detainee, a Syrian citizen, Al Janko (ref A). He told Van Daele that there is now a critical mass of countries that have decided to receive detainees supported by the EU framework enabling detainee resettlements. However, he said, President Obama and the United States still need more help. While countries have been taking detainees in ones, twos and threes, Belgium could, if it wants, set a new standard and show leadership among its European allies by taking more. This would be a major signal of Belgium's commitment to

helping to close the Guantanamo Bay detention facility.

13. (S) Van Daele replied that the decision to take one detainee had not been too difficult, even though all members of the cabinet were not in agreement. The main sticking point was explaining why Belgium should take detainees when the United States is not. Van Daele said that the best and only answer he could give to that objection was that taking the detainees was an important political gesture to support President Obama's position domestically in the United States.

The government will now watch how the soon-to-be-transferred detainee settles into his new home near Antwerp and how it plays in the press. Before that time, the answer to a request to take more detainees is "no" -- for now. However, Van Daele has told the cabinet to expect another request. The future, Van Daele said, is "all about dynamics." Even a too-public thank you from the United States may draw unwanted attention from the Belgian public and the government wants the transfer to take place with as little fanfare as possible. Belgium is also interested in what other European governments do, Van Daele said.

14. (S) Fried delivered a copy of the USG's diplomatic note setting forth agreed conditions for the transfer of Al Janko. Van Den Reeck told Fried that the GOB was pleased that its responsibility for monitoring Al Janko's activities is time-limited. The GOB intends to make a strong effort to integrate Al Janko into the community and expects that as a practical matter the need for monitoring will decline over time. Fried asked for further details of the integration plan. Van Den Reeck stressed that the GOB will keep Al Janko's identity and place of residence quiet. He was sure that Al Janko will not like publicity, which would make integration more difficult. Therefore, the GOB will release to the press only the minimum it needs to know. An NGO will

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assist in Al Janko's resettlement and has agreed to do so in a low profile manner. Fried acknowledged that the Belgian plan seemed sound. He also noted that the only release the USG would do related to informing the Congress, in a confidential manner, of the basic facts of the transfer and mitigation steps the GOB would take.

15. (S) Van Den Reeck asked whether a Belgian official can accompany Al Janko to Belgium. He said that in his experience, having an official from the receiving nation is calming for the detainee and makes the process easier. Fried said that DOD rules would not allow for foreign government officials to join the transfer flight. However, he agreed to make the request to DOD on Belgium's behalf.

16. (S) Fried said that the United States would like to route the flight from Guantanamo first to Yemen, then to Belgium, and then to Ireland, to allow debarkation of other detainees for release. He asked whether Belgium would permit other detainees to transit the country, especially in light of the fact they are transiting to freedom, not continued detention.

Van Den Reeck said that he would refer the request to the Ministry of Interior.

17. (S) Finally, Fried mentioned the separate case of two Tunisian citizens, held at Guantanamo for seven years, who have been convicted in absentia in Belgium. He said that these detainees in fact want to be returned to Belgium, according to their lawyers. Van Den Reeck insisted that the cases of these two detainees must be considered separately from all others (not as resettlements). Fried agreed. The Tunisians must be resettled nevertheless, Fried continued, and cannot go elsewhere in Europe when they have convictions in Belgium with sentences that are unserved. In response to Van den Reeck's questioning whether this would fall under the bilateral extradition treaty, Williams noted that it would likely not and that a separate arrangement would have to be put in place as was done with Italy. Van Daele replied that the MFA would have to ask the Ministry of Justice what

the GOB could legally do given the circumstances.

18. (U) S/GC has cleared this message.

BUSH

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